

**Commonwealth of Kentucky
Energy and Environment Cabinet
Department for Environmental Protection
Division for Air Quality
200 Fair Oaks Lane, 1st Floor
Frankfort, Kentucky 40601
(502) 564-3999**

Final

**AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: Philips Lighting, LLC
Mailing Address: 320 Vasksdhl Ave, Danville KY, 40422

Source Name: Philips Lighting, LLC
Mailing Address: 320 Vasksdhl Ave
Danville KY, 40422

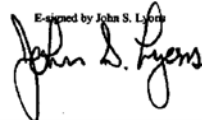
Source Location: Same as above

Permit: V-08-036
Agency Interest: 380
Activity: APE20080001
Review Type: Title V Renewal/ Synthetic Minor /Operating
Source ID: 21-021-00001

Regional Office: London Regional Office
875 S. Main Street
London, KY 40741
(606) 330-2080

County: Boyle

Application
Complete Date: March 26, 2008
Issuance Date: March 31, 2009
Revision Date: N/A
Expiration Date: March 31, 2014

E-signed by John S. Lyons


**John S. Lyons, Director
Division for Air Quality**

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	Permit type	Log # or Activity#	Complete Date	Issuance Date	Summary of Action
V-08-036	Renewal	APE20080001	09/28/08	March XX, 2009	Renewal & removal the lime line

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**02 (02) Lead glass batch mixing and handling**

Description: Several types of raw material are received in bulk by railcar or trucks. The material is either transported pneumatically or with bucket elevators to storage silos in the mix house where it is held until measuring and mixing. The emissions are captured and vented to a bag house. Construction/ modification commenced: 1990

APPLICABLE REGULATIONS:

401 KAR 59:010, Section 3(1)(a), New process operations.

1. Operating Limitations:

The maximum operating fill rate shall not exceed 1.8 tons/hr.

2. Emission Limitations:

Pursuant to 401 KAR 59:010

- i. Section 3 (1), opacity shall not exceed 20%.
- ii. Section 3 (2) hourly particulate emissions for each emission point shall not exceed the following limit:

For process rates up to 1,000 lbs/hr: $E = 2.34$

For process rates up to 60,000 lbs/hr: $E = 3.59 P^{0.62}$

For process rates in excess of 60,000 lbs/hr: $E = 17.31 P^{0.16}$

For the equations: E = rate of emission in lb/hr and P = process weight rate in tons/hr (monthly throughput in tons/monthly hours of operation).

Compliance Demonstration Method:

Particulate emission rate in (lbs/hour) = [Monthly production rate x Emission factor listed in Kentucky EIS/ (Hours of operation per month)] x [100 – bag house control efficiency]

3. Testing Requirements:

Pursuant to Regulations 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted at least once per life of this permit as required by the Division

4. Specific Monitoring Requirements:

Philips Lighting shall monitor the following:

- a. The total monthly raw materials fill rate, with the dates of the operation noted, for each process unit at the emission point.
- b. The total monthly hours of operation for each process unit at the emission point with dates of operation.
- c. The particulate emissions as calculated using the formula under “Compliance Demonstration Method” above.
- d. For each stack, vent or control system:
 - i. Monthly qualitative observations of visible emissions during operation of associated equipment.
 - ii. Observations of visible emissions during all periods of control equipment malfunction.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

If visible emissions are seen during the observation, Method 9 shall be used to determine the opacity.

5. Specific Recordkeeping Requirements:

Records shall be maintained of qualitative observation and Reference Method 9 opacity observations, the total raw materials fill rate for the Philips operating month with the dates of the operating month, noting the hours of operation for the operating month, and the particulate emissions as calculated on a monthly basis using the formula specified in this permit under "Compliance Demonstration Method".

6. Specific Reporting Requirements:

See Conditions 5, 6, 7, and 8 in Section F.

7. Specific Control Equipment Operating Conditions:

Maintain on site a log of monthly readings of the pressure drop across the bag house, and ensure it remains in the manufacturer's recommended operating range.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**04 (04) Lead glass melting furnace**

Description: A natural gas side port regenerative melting furnace which produces lead glass for the manufacture of glass tubing. The furnace uses natural gas as primary fuel with propane as back up fuel. The total heat input of the furnace burners is 30 million Btu/hr.

Construction/ modification commenced: 1995

Control: Electrostatic Precipitator

APPLICABLE REGULATIONS:

401 KAR 59:010, Section 3(1)(a), New process operations.

401 KAR 60:005, Section 3(1)(ff) incorporating by reference 40 CFR 60, Standards of performance for new stationary sources, Subpart CC, Standards of performance for glass manufacturing plants

1. Operating Limitations:

- a. The maximum glass production rates shall not exceed 1.4 tons/hr.
- b. The lead melting furnace shall not use propane for more than 1850 hours per year.

2. Emission Limitations:

Pursuant to 401 KAR 59:010

- i. Section 3 (1), opacity shall not exceed 20%.
- ii. Section 3 (2) hourly particulate emissions for each emission point shall not exceed the following limit:

For process rates up to 1,000 lbs/hr: $E = 2.34$

For process rates up to 60,000 lbs/hr: $E = 3.59 P^{0.62}$

For process rates in excess of 60,000 lbs/hr: $E = 17.31 P^{0.16}$

For the equations: E = rate of emission in lb/hr and P = process weight rate in tons/hr (monthly throughput in tons/monthly hours of operation).

Compliance Demonstration Method:

- Particulate emission rate in (lb/ton glass produced) = {[(Monthly production rate x Emission factor listed in Kentucky EIS) + (Monthly furnace fuel usage x Emission factor listed in Kentucky EIS)] / (Tons of glass Produced per month) }
- Compliance is assumed for 59:010 mass limit, if PM limit pursuant to subpart CC is met

3. Testing Requirements:

Pursuant to Regulations 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted at least once per life of this permit as required by the Division

4. Specific Monitoring Requirements:

Philips Lighting shall monitor monthly the following:

- a. The total glass production rate with the dates of the operation per month noted.
- b. The hours of operation for the with the dates of the operating per month noted

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- c. The particulate emissions as calculated using the formula under “Compliance Demonstration Method” above.
- d. For each stack, vent or control system:
 - i. Monthly qualitative observations of visible emissions during operation of associated equipment.
 - ii. Observations of visible emissions during all periods of control equipment malfunction. If visible emissions are seen during the observation, Method 9 shall be used to determine the opacity

5. Specific Recordkeeping Requirements:

Records shall be maintained of qualitative observation and Reference Method 9 opacity observations, the total glass production rate for the Philips operating month with the dates of the operating month noted, the hours of operation for the operating month, and the particulate emissions as calculated on a monthly basis using the formula specified in this permit under “Compliance Demonstration Method”.

6. Specific Reporting Requirements:

See Conditions 5, 6, 7, and 8 in Section F.

7. Specific Control Equipment Operating Conditions:

Maintain on site daily log of the electrostatic precipitator field voltages per the operating meters, and ensure the readings are within the manufacturer’s recommended operating ranges. During routine maintenance of add-on pollution controls in accordance with 40 CFR 60.292(e), the particulate matter emission limitation set out in Condition 2 do not apply.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

14 (14) Lead glass crusher

Description: Particulate emissions from the lead glass cullet crusher are controlled by a bag house. Construction commenced: 1969

APPLICABLE REGULATIONS:

401 KAR 61:020, Section 3(1)(a), Existing process operations applicable to each emission unit which commenced construction before July 2, 1975.

1. Operating Limitations:

The maximum operating rate shall not exceed 4.25 tons/hr.

2. Emission Limitations:

a. Visible emissions shall not equal or exceed 40% opacity [401 KAR 61:020, Section 3(1)(a)].

b. Particulate emissions shall not exceed 10.8 lbs/hr [401 KAR 61:020, Section 3(2)(a)].

Compliance Demonstration Method:

Particulate emission rate in (lbs/hour) = [(Monthly processing rate x Emission factor listed in Kentucky EIS) / (Hours of operation per month)]x(1- bag house control efficiency)

3. Testing Requirements:

Pursuant to Regulations 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted at least once per life of this permit as required by the Division

4. Specific Monitoring Requirements:

Philips Lighting shall monitor the following:

- a. The total operating rate for the Philips operating month, with the dates of the operating month noted .
- b. The hours of operation for the Philips operating month, with the dates of the operating month noted.
- c. The particulate emissions as calculated using the formula under “Compliance Demonstration Method” above.
- d. For each stack, vent or control system:
 - i. Monthly qualitative observations of visible emissions during operation of associated equipment.
 - ii. Observations of visible emissions during all periods of control equipment malfunction. If visible emissions are seen during the observation, Method 9 shall be used to determine the opacity

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements:

Records shall be maintained of qualitative observation and Reference Method 9 opacity observations, the operating rate for the Philips operating month with the dates of the operating month noted, and the hours of operation for the operating month.

6. Specific Reporting Requirements:

See Conditions 5, 6, 7, and 8 in Section F.

7. Specific Control Equipment Operating Conditions:

Maintain on site a log of the monthly readings of the pressure drop across the baghouse, and ensure it remains in the manufacturer's recommended operating range.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

15 (15) Two Gas/Oil Indirect Heat Exchangers (Boilers)

Description: These are 2 gas/oil boilers used for steam heat.

Construction commenced: 1969

Fuel input: 3.348 mm Btu/hr

APPLICABLE REGULATIONS:

401 KAR 61:015, Section 2(3)(b), Existing indirect heat exchangers applicable to each unit which commenced construction before April 9, 1972.

1. Operating Limitations:

The maximum heat input for each indirect heat exchanger shall not exceed 5.02 mmBTU/hour.

2. Emission Limitations:

- a. Visible emissions shall not equal or exceed 40% opacity [401 KAR 61:015, Section 4(2)(a)].
- b. Particulate emissions shall not exceed 0.681 lbs/mmBTU [401 KAR 61:015, Section 4].
- c. Sulfur dioxide emissions shall not exceed 5.7 lbs/mmBTU [401 KAR 61:015, Section 5].

Compliance Demonstration Method:

- a. Particulate emission rate in (lbs/mmBTU) = [(Monthly usage rate x Emission factor listed in Kentucky EIS) / (total monthly mmBTU)].
- b. Sulfur dioxide emission rate in (lbs/mmBTU) = [(Monthly usage rate x Emission factor listed in Kentucky EIS) / (total monthly mmBTU)].

3. Testing Requirements:

Pursuant to Regulations 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted at least once per life of this permit as required by the Division

4. Specific Monitoring Requirements:

Philips Lighting shall monitor monthly the following:

- a. The total operating rate for the, with the dates of the operation per month noted .
- b. The hours of operation for with the dates of the operating per month noted.
- c. The particulate emissions as calculated using the formula under "Compliance Demonstration Method" above.
- d. For each stack, vent or control system:
 - i. Monthly qualitative observations of visible emissions during operation of associated equipment.
 - ii. Observations of visible emissions during all periods of control equipment malfunction. If visible emissions are seen during the observation, Method 9 shall be used to determine the opacity.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements:

Records shall be maintained of qualitative observation and the Reference Method 9 opacity observations, the monthly usage rate of the natural gas, the monthly hours of operation, and particulate emissions as calculated using the formula under “Compliance Demonstration Method” above.

6. Specific Reporting Requirements:

Any exceedances over the opacity, particulate emissions, or sulfur dioxide limits as stated in this permit shall be reported to the Division as specified in Section F. The company shall certify to the Division annually compliance with the regulations as applied to this emission point.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

22 (22) Hard Glass Furnace

Description: This is an electric furnace, so there is no combustion emission. The process operation for this furnace is 2.0 tons/hr.

Construction commenced: 2003

Control: None

APPLICABLE REGULATIONS:

401 KAR 59:010 New Process Operation,

1. Operating Limitations:

The maximum operating rate shall not exceed 2.0 tons/hr.

2. Emission Limitations:

Pursuant to 401 KAR 59:010

i. Section 3 (1), opacity shall not exceed 20%.

ii Section 3 (2) hourly particulate emissions for each emission point shall not exceed the following limit:

For process rates up to 1,000 lbs/hr: $E = 2.34$

For process rates up to 60,000 lbs/hr: $E = 3.59 P^{0.62}$

For process rates in excess of 60,000 lbs/hr: $E = 17.31 P^{0.16}$

For the equations: E = rate of emission in lb/hr and P = process weight rate in tons/hr (monthly throughput in tons/monthly hours of operation).

Compliance Demonstration Method:

Particulate emission rate in (lb/ton glass produced) = $\{[(\text{Monthly production rate} \times \text{Emission factor listed in Kentucky EIS}) + (\text{Monthly furnace fuel usage} \times \text{Emission factor listed in Kentucky EIS})] / (\text{Hours of operation per month})\}$

3. Testing Requirements:

Pursuant to Regulations 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted at least once per life of this permit as required by the Division

4. Specific Monitoring Requirements:

Philips Lighting shall monitor the following:

- a. The total raw materials fill rate for the Philips operating month, with the dates of the operating month noted.
- b. The hours of operation for the Philips operating month, with the dates of the operating month noted.
- c. The particulate emissions as calculated using the formula under "Compliance Demonstration Method" above.
- d. For each stack, vent or control system:
 - i. Monthly qualitative observations of visible emissions during operation of associated equipment.
 - ii. Observations of visible emissions during all periods of control equipment malfunction.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

If visible emissions are seen during the observation, Method 9 shall be used to determine the opacity.

5. Specific Recordkeeping Requirements:

Records shall be maintained of qualitative observation and the Reference Method 9 opacity observations, the monthly usage rate of the monthly hours of operation, and the particulate emissions as calculated using the formula under “Compliance Demonstration Method” above.

6. Specific Reporting Requirements:

See Conditions 5, 6, 7, and 8 in Section F.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

23 (23) Two Lehr ovens

Description: The continuous annealing lehrs are used to relieve the stress in the formed glass components. The combined heat input for both ovens is 18 mm Btu /hr. Natural gas is the primary fuel with propane serving as a back up fuel.

Construction commenced: 2003

APPLICABLE REGULATIONS: None

1. Operating Limitations:

The two lehr ovens shall not use propane for more than 0.018 MMCF per hour.

2. Emission Limitations: None

3. Testing Requirements: None

4. Specific Monitoring Requirements: None

5. Specific Recordkeeping Requirements:

Records are to be kept of how many hours the propane fuel is used.

6. Specific Reporting Requirements: None

7. Specific Control Equipment Operating Conditions: None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to an opacity standard shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspection, evaluation, and any corrective action shall be recorded in a log.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Sandblasting (8.76 ton/yr)	401 KAR 59:010
2. #2 Diesel fuel tank (300 gallon)	N/A
3. Kerosene tank (300 gallon)	N/A
4. Unleaded gasoline tank(300 gallon)	N/A
5. Wastewater lagoon (18.25 mm. gal/yr)	401 KAR 63:020*
6. Raw materials unloading	401KAR 59:010,63:010
7. Hard glass batch mixing and handling(5.4 tons/hr)	401 KAR 59:010
8. Hard glass forming(2.0tons/hr)	401 KAR 59:010
9. Hard glass crusher and conveyer(2.0 ton/hr)	401 KAR 59:010
10. Gas- fired Space Heaters	401 KAR 59:010
11. Hard glass space heating	401 KAR 59:010
12. Mold Cleaning	401 KAR 59:010
13. Hard Glass Molding Lubricant	401 KAR 59:010

*Trace elements of chemical compounds as referenced in 401 KAR 63:020 affect the applicability of these insignificant activities.

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. In order to preclude the requirements of 401 KAR 51:017, PSD, plant wide particulate matter (PM/PM10) emissions shall be less than 225 tons per rolling 12 months period.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. For emission points, 02 and 14, the source shall maintain on site a log of monthly readings of the pressure drop across the bag house, and ensure it remains in the proper operating range.
3. Control system must be in operation for EPs 02, 04 and 14 during the normal operating process time.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b-IV-2 and 1a-8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality
London Regional Office
875, S Main St.
London, KY 40741

U.S. EPA Region 4
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
200 Fair Oaks Lane, 1st Floor
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.

SECTION G - GENERAL PROVISIONS**1. General Compliance Requirements**

- a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
 - (4) New requirements become applicable to a source subject to the Acid Rain Program.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 7 and 8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:020 Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-15-b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a-10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3) 2.].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3) 4.].
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3) 1.].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in the permit and
 - (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
- b. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

3. Permit Revisions

- a. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)**. Testing Requirements**

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

- a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
- b. The permittee shall comply with all applicable requirements and conditions of the Acid Rain Permit and the Phase II permit application (including the Phase II NOx compliance plan and averaging plan, if applicable) incorporated into the Title V permit issued for this source. The source shall also comply with all requirements of any revised or future acid rain permit(s) issued to this source.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;

SECTION G - GENERAL PROVISIONS (CONTINUED)

- (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - (4) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - (5) This requirement does not relieve the source of other local, state or federal notification requirements.
- b. Emergency conditions listed in General Condition G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
- c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

8. Ozone Depleting Substances

- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION G - GENERAL PROVISIONS (CONTINUED)

9. Risk Management Provisions

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.